

KEVIN V. RYAN (CSBN 118321)
 United States Attorney
 EUMI L. CHOI (WVBN 0722)
 Chief, Criminal Division
 KIRSTIN M. AULT (CSBN 206052)
 Assistant United States Attorney
 450 Golden Gate Ave., Box 36060
 San Francisco, California 94102
 Telephone: (415) 436-7151
 Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00649 CW
)	
Plaintiff,)	STIPULATION AND ORDER
)	EXCLUDING TIME FROM NOVEMBER
v.)	21, 2005 TO DECEMBER 19, 2005 FROM
)	THE SPEEDY TRIAL ACT
JAMES ROBERT METZGER,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A))
)	
Defendant.)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an appearance date of December 19, 2005 at 2:30 p.m. before the Honorable Claudia Wilken for change of plea or motions setting, and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from November 21, 2005 to December 19, 2005. The parties agree, and the Court finds and holds, as follows:

1. The defendant is out of custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act based upon defense counsel's need to obtain and review additional discovery to effectively prepare to defend this case.
3. Counsel for the defense believes that the exclusion of time is in her client's best

1 interest.

2 4. Given these circumstances, the Court finds that the ends of justice served by
3 excluding the period from November 21, 2005 to December 19, 2005, outweigh the best interest
4 of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 5. Accordingly, and with the consent of the defendant, the Court (1) sets an appearance
6 date before the Honorable Claudia Wilken of November 19, 2005 at 2:30 p.m. for change of plea
7 or motions setting; and (2) orders that the period from November 21, 2005 to December 19, 2005
8 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

9
10 STIPULATED:

11
12 DATED: _____ /s/ _____
13 SHARON BUNZEL
14 Attorney for the Defendant

15 DATED: _____ /s/ _____
16 KIRSTIN M. AULT
17 Assistant United States Attorney

18 IT IS SO ORDERED.

19 11/28/05

20 
21 DATED: _____
22 CLAUDIA WILKEN
23 United States District Judge
24
25
26
27
28